

SENATE BILL 1698  
By Beavers

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 35, relative to private protective services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 35, Part 1, is amended by adding the following language as a new, appropriately designated section:

62-35-142.

(a) Armed security guard/officers and unarmed security guard/officers shall be required to complete and pass a drug and alcohol screening test before registration or renewal cards shall be issued by the department to such individuals. In addition, any person applying for licensure under the provisions of this part shall be required to complete and pass a drug and alcohol screening test before the license or any renewal thereof may be issued by the department to such individuals. Such testing must be on file with the department of commerce and insurance, private protective services before issuance or renewal of the registration card or license, as appropriate. Such test shall not be valid if completed more than forty-five (45) days prior to the date of the application. By submitting to the test, the individual waives any right to privacy the

individual might otherwise have had with respect to such test, and the results of the test shall be forwarded simultaneously to those persons or entities included in subsection (c).

(b) Such drug and alcohol screening test shall be performed by an approved lab licensed with the state of Tennessee and certified by the College of American Pathologist Forensic Drug Testing program or the United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration as published in the Federal Register and each test shall consist of the following;

(1) Urine Amphetamines Class including Amphetamine, Methamphetamine, Ecstasy, Eve, Adam and other related stimulants and hallucinogens. Screening test threshold at 300 ng/mL and Gas Chromatography/Mass Spectrometry (GC/MS) confirmation test threshold at 100 ng/mL.

(2) Urine Cocaine metabolite (Benzoylecgonine) with a screening test threshold of 100 ng/mL and a Gas Chromatography/Mass Spectrometry (GC/MS) confirmation test threshold set at 50 ng/mL.

(3) Urine Marijuana metabolites with a screening test threshold of 20 ng/mL and a Gas Chromatography/Mass Spectrometry (GC/MS) confirmation test threshold set at 5.0 ng/mL (for the primary urine metabolite from Marijuana use identified as 11-nor-9-carboxy-delta-9-tetrahydrocannabinol).

(4) Urine Opiates including Morphine, Codeine, Hydrocodone, Hydromorphone and Oxycodone and other related narcotics. Screening test threshold is 100 ng/mL and a Gas Chromatography/Mass Spectrometry (GC/MS) confirmation test threshold set at 50 ng/mL.

(5) Breath or Blood Ethyl Alcohol with a screening and confirmation test threshold of 0.04% (40 mg/dL).

(c) No registration or license shall be issued or renewed to any person who fails any drug and alcohol screening test and if employed such individual shall be relieved immediately of any and all security responsibilities. Information that such person failed the testing shall be forwarded within twenty-four (24) hours of the date the results are obtained to the Tennessee department of commerce and insurance, private protective services, the company employing the applicant or the prospective employer of the applicant, and the applicant. Upon receiving this information the department shall temporarily suspend such person's unarmed or armed registration card, if a card has already been issued, the certificate of a certified trainer or any other license issued by the department until such time that the commissioner deems it necessary to revoke or re-instate the registration or license based upon evidence supplied to the department.

(d) Any violation of this section is a Class E Felony.

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it.